

**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
Grand County, CO**

DECISION MEMORANDUM

On Action and for Application of:
Categorical Exclusion 1.12

Project Name: Independence Mountain / Parsons Draw / Fischer Draw Fuels Treatment Projects

NEPA Number: CO-120-2007-19-CX

Purpose and Need for the Action: The purpose of this project proposal is to reduce the Wildland Urban Interface (WUI) hazardous fire threat, improve area vegetation diversity, and improve wildlife habitat and winter range within the project area. The lack of recurring wildfire in the project area has resulted in the development of single-age class, over-mature lodgepole pine (*Pinus contorta*) and quaking aspen (*Populus tremuloides*) stands. These over-mature stands of primarily lodgepole pine pose a hazardous fire threat to the nearby residential community holdings of Independence Mountain and Parson Draw communities, individual homes and ranches, and recreation sites. The Fire Condition Class is 3 where fire frequencies have been extensively altered from historical frequencies and within a Fire Regime Group III where the frequency of fire is 35-100 years with mixed severity inside the WUI. The dense lodgepole pine and aspen stands are also crowding out more desirable forage species for wildlife and big game species.

Description of the Proposed Action: The BLM is proposing to use a combination of prescribed fire, hand, and mechanical treatments to reduce the density of both live and dead lodgepole pine and quaking aspen trees, on BLM administered lands in the Independence Mountain area of Jackson County, Colorado is located in T 11 N, R 81 W, Sections 2, 3, 9-15, and 23-25; T 11 N, R 80 W, Sections 19 and 29-32. Sagebrush meadows would be treated by removing the encroaching older tree line. Treatments to improve forage would utilize prescribed fire and mechanical treatments. Depending upon the availability of BLM staff, treatments would be completed by the BLM or contractor.

The total project area proposed for fuels treatments would be approximately 4,210 acres. Within the project area, it is proposed to treat:

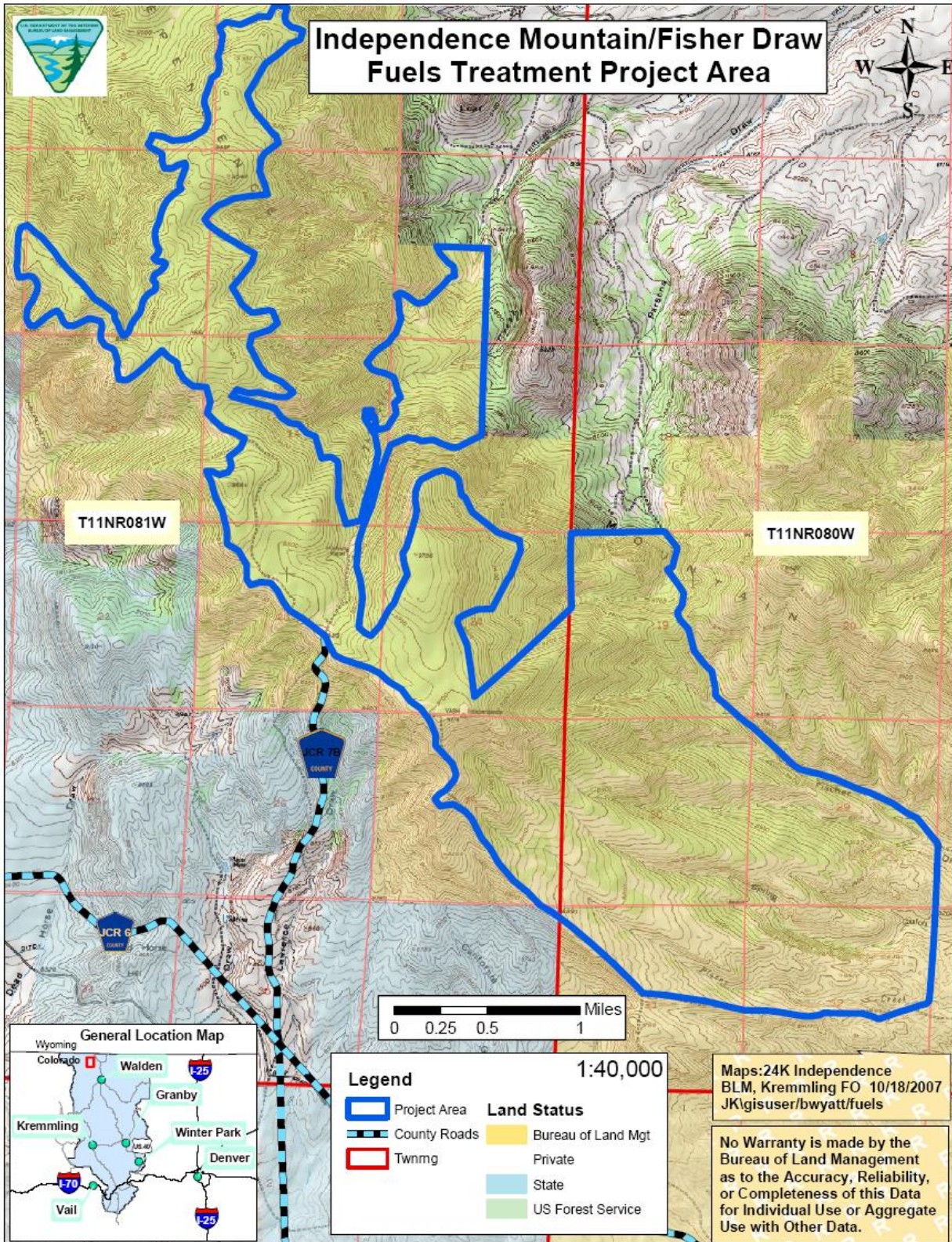
- up to approximately 3,000 acres with prescribed burning, and
- 1,000 acres would be contracted using mechanical or hand thinning (see map 1 for general project area and maps 2 and 3 for specific project areas and acreages).

The Proposed Actions would not exceed these treatment acres. The proposed treatments would

start in 2008 and run through 2012 in Fischer Draw with prescribed burning, and in Three Mile Creek for mechanically treated fuel breaks (see map 2). Treatments would be staggered during the four years to allow for necessary grazing rotation in the allotment. Upon completion, vegetation in the project area would have a mosaic appearance over 40-70% of the area treated.

Design features of Proposed Action (see Attachment #1 for Standard Operating Procedures):

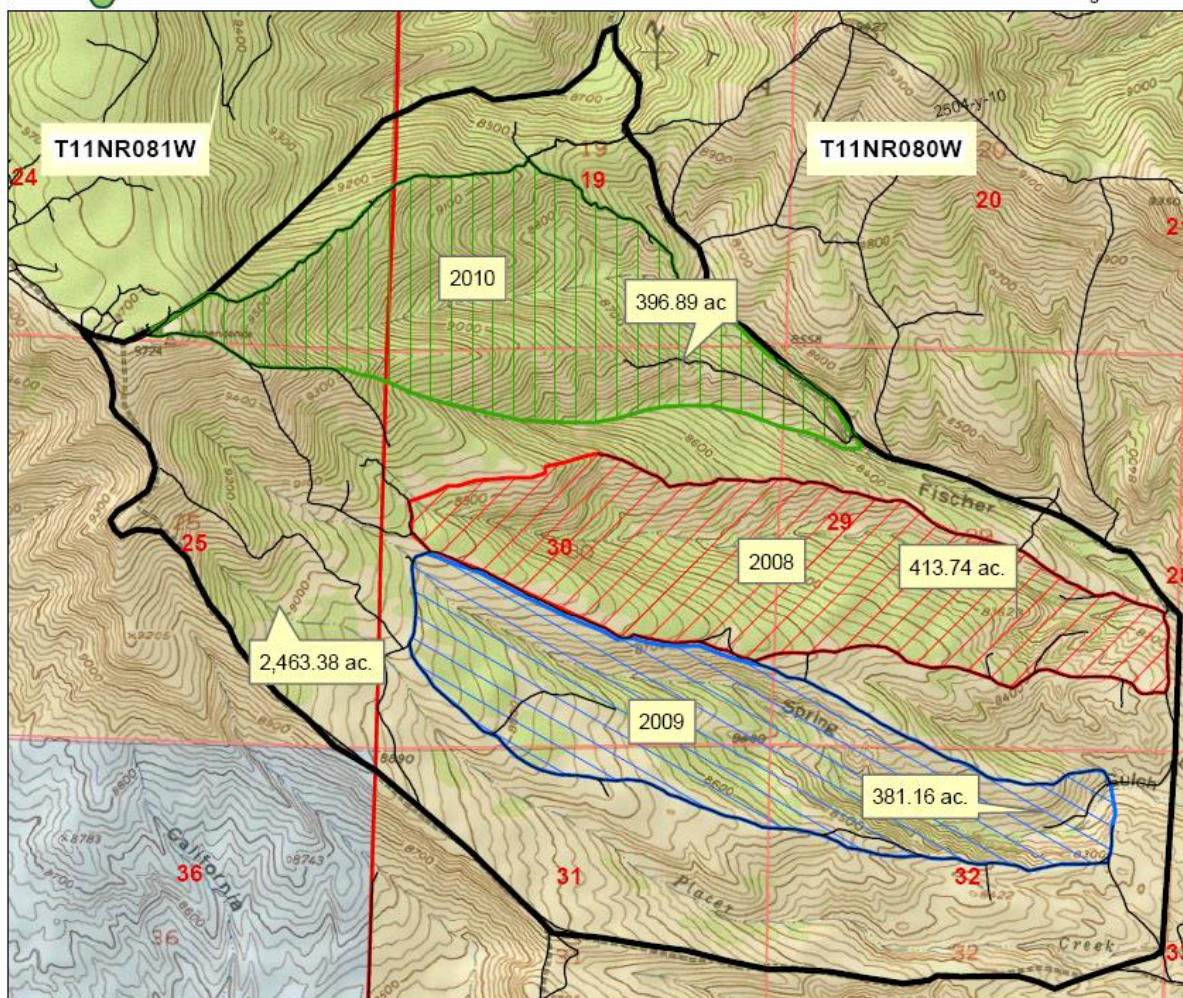
- All eligible sites within areas planned for burning would be protected using hand or wet line construction, while all heavy fuel on eligible sites would be removed by hand. Historic structures, though not eligible, would be avoided by removing biomass material from around the site by hand or mechanical means such as with a bobcat, hot saw, or plucker to remove trees.
- There would be a 50-foot vegetative buffer around all wetland areas and drainage bottoms to reduce water quality impacts.
- The mechanical treatments would leave scattered litter across the slopes whenever practicable to help provide soil protection.
- The BLM or contractor would locate, flag, and protect any survey monuments (brass cap monuments, bearing trees, private monuments) that may exist in the project area.
- The BLM would inspect disturbed areas for noxious weeds for two growing seasons after the project is completed. If weeds are found in areas where contractors completed the treatments, it would be the responsibility of the contractor to treat the weed infestations.
- The BLM would monitor the disturbed areas to insure successful re-vegetation by the end of the third growing season.



Map 2



Independence Mountain/Fisher Draw Rx Treatments 2008 to 2010



Legend

Fuel Treatment Boundaries

- MMA - 2,463.38 ac.
- Fisher Draw Rx 2008 - 413.74 ac.
- Fisher Draw Rx 2009 - 381.16 ac.
- Fisher Draw Rx 2010 - 396.89 ac.

County Roads
Other Routes

Land Status

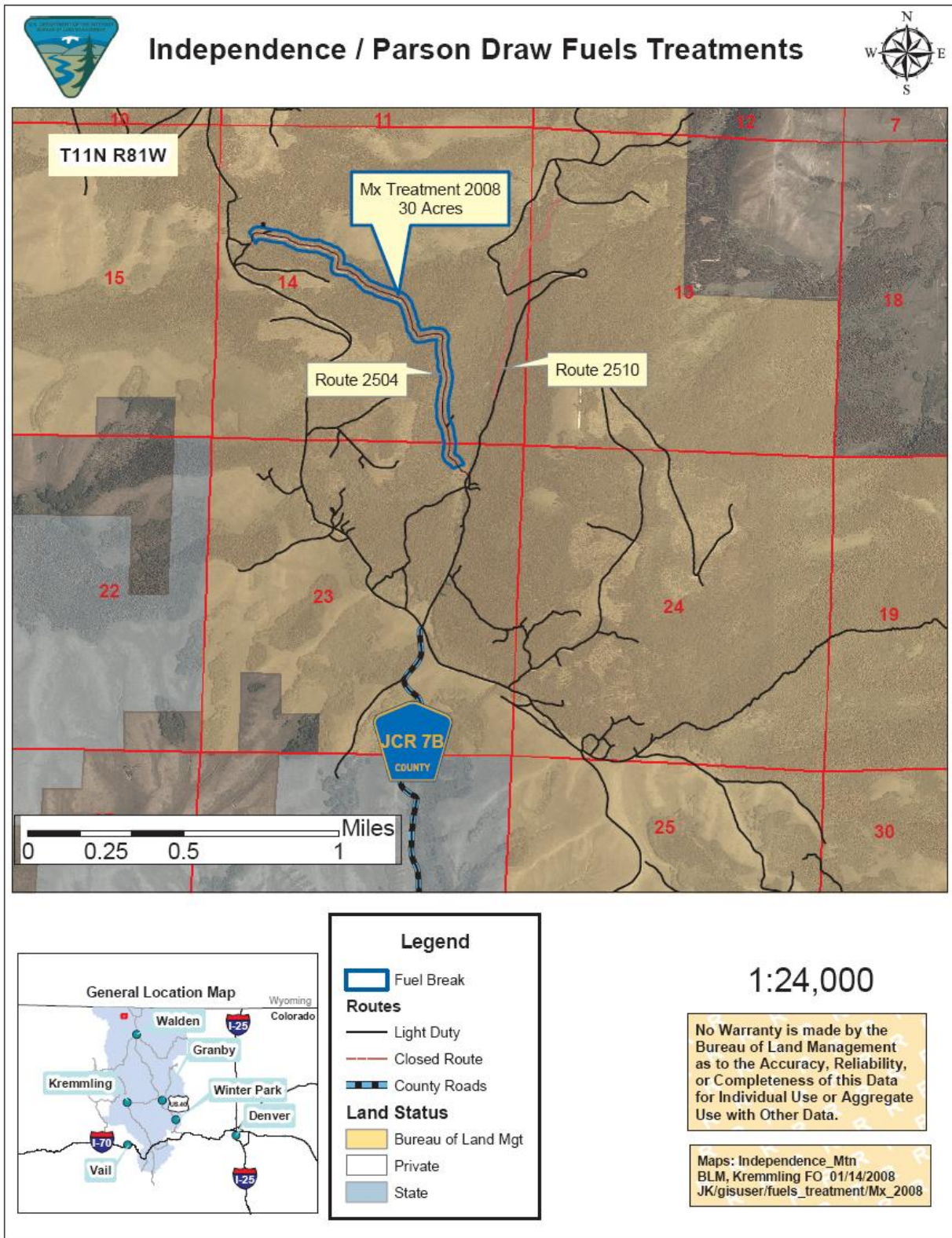
- Bureau of Land Mgt
- Private
- State
- US Forest Service

0 0.125 0.25 0.5 0.75 Miles

1:24,000

Maps:24K Independence
BLM, Kremmling FO 10/18/2007
BW/gisuser/bwyatt/fuels

No Warranty is made by the
Bureau of Land Management
as to the Accuracy, Reliability,
or Completeness of this Data
for Individual Use or Aggregate
Use with Other Data.



Plan Conformance: The Proposed Action has been reviewed for conformance and is consistent

with the Kremmling Resource Management Plan for vegetation (p. 9, objective 6a) and wildlife (p. 7, objective 5a), approved on December 19, 1984. The Proposed Action was designed in conformance with bureau standards and incorporates the Standards for Public Land Health in Colorado.

Compliance with the National Environmental Policy Act: The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, 1.12 due to the size and nature of the project. The application of this categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment and none of the exceptions apply. These extraordinary circumstances are contained in 516 DM, Appendix 2.

Persons and Agencies Consulted: Scoping letters were sent on November 4, 2007, to 104 local residents, Colorado Division of Wildlife, Jackson County Commissioners, North Park Stock Growers Association, Natural Resource Conservation Service, Town of Walden, United States Forest Service – Parks RD, and Colorado State Forest Service. Comments were received by phone from Parson Draw residents Mr. Nathaniel Fay and Mr. Robert Wells as positive for fuels reduction in the WUI. No new information was provided during scoping.

Remarks:

Cultural Resources: Several cultural resource surveys (CR-07-54, CR-07-23, CR-07-39, Cr-07-10, and CR-07-53) were conducted for the proposed project area. The surveys located a total of 12 cultural resource sites (5JA441, 5JA442, 5JA565, 5JA817, 5JA1764, 5JA1757, 5JA1758, 5JA40, 5JA446, 5JA1803.1, 5JA1804, and 5JA1805) of which six (5JA442, 5JA565, 5JA40, 5JA446, 5JA1804, and 5JA1805) are determined to be eligible to the National Register of Historic Places.

Native American Religious Concerns: Five tribes were contacted concerning Traditional Cultural Properties within the project area. None of the tribes have responded with additional information during the period available for comment.

Watershed Issues (Soils, Water Quality): The proposed fuel treatments straddle the intermittent Spring Gulch and Fischer Draw with its unnamed tributary draw. The smaller draws are characterized by areas of springs or seeps that sporadically occur and support small wetland areas. The main portion of Fischer Draw has several larger willow areas that are more continuous along the length. The upper portion of the Fischer Draw drainage is entirely designated for treatment by either timber harvesting or a “stand replacing” prescribed burn. The prescribed treatments make up between 30-45% of the entire Fischer Draw and Spring Gulch drainages. In areas where prescribed fire is to be used, the completeness of the burn would determine the amount and duration of watershed changes. When 20-25% of a drainage is logged, there is an increased water yield due to reduced evapo-transpiration and sublimation. The runoff tends to come earlier in these areas. The lodgepole pine stands have a significant amount of beetle kill, which has already reduced the evapo-transpiration and sublimation losses. If treatments remove a higher percentage of the overstory or ground cover, then successive treatments should be reviewed to ensure that soil slumps or increased soil erosion does not occur.

Decision and Rationale on Action: I have decided to implement the hazardous fuels treatments in the Proposed Action within the project area delineated on the attached maps. These treatments will meet the purpose and need for the project area. In addition, I have reviewed the plan conformance statement and have determined that the Proposed Action is in conformance with the approved land use plan and that no further environmental analysis is required.

Implementation Date: This project will be implemented on or after March 1, 2008.

Signature of Authorized Official:

/s/ Peter McFadden 3/19/08

Administrative Review or Appeal Opportunities: This wildfire management decision is issued under 43 CFR Part 5003.1 and is effective immediately. The BLM has made the determination that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire. Thus, notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. The Interior Board of Land Appeals must decide an appeal of this decision within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed (43 CFR 4.416).

Name of Preparer/Contact Person: For additional information concerning this decision, contact:

Bill Wyatt
Kremmling Field Office
Kremmling, Colorado 80459
(970)-724-3000

Attachments:

1). Standard Operating Procedures

Attachment #1

STANDARD OPERATING PROCEDURES

ENVIRONMENTAL CONSIDERATIONS

1) Surface Conditions - Equipment shall not be operated when the ground is muddy or the soil moisture is high enough for equipment to leave ruts over 1.5 inches in height. When/If such conditions are encountered, the Contractor shall stop work and notify the COR.

2) Contractor shall clean-up all generated litter and dispose of it at an approved sanitary landfill or other location and in a manner approved by the CO/COR.

FIRE EXTINGUISHER AND TOOLS ON EQUIPMENT

While in use, each internal combustion engine including tractors, trucks, dozers, Lawson Aerators, welders, generators, stationary engines, or comparable powered equipment shall be provided with at least the following:

- a) One fire extinguisher, at least 5#ABC with an Underwriters Laboratory (UL) rating of 3A- 40BC, or greater. Extinguisher shall be mounted so as to be readily available for use (not locked in a tool box or chained to a seat, for example).
- b) One shovel, sharp, size AO@ or larger, round-pointed with an overall length of at least 48 inches.
- c) One axe, sharp, double bit 32#, or one sharp pulaski.

FUELING

Fueling equipment and operations will be inspected and approved prior to contract startup by the owner/operator and COR. Joint inspections will include checking for evidence of oil/fuel leaks at all piping, oil/fuel lines, hydraulic lines and seals, fuel tanks and other sources of leaks. All evidence of leaks will be investigated and immediately repaired prior to equipment operation on the job.

All non-manual fueling equipment will have an automatic shut-off switch installed to avoid fuel releases.

Fuel tanks greater than 201 gallons may only be used within a spill containment pit. The spill containment pit shall be constructed at a site designated by the COR, with an impermeable liner capable of containing a released volume of one and one-half times the tank volume. Pits shall be rehabilitated after completion of the Lawson Aerator operations.

Any on site fuel or oil release of two gallons or more is the contractor's responsibility. Containment, immediate reporting, documentation and cleanup is required and shall be at the direction of the COR in accordance with State and Federal law and policy. The contractor may be subject to all or part of the cost for cleanup.

HAZARDOUS MATERIALS

1. Use of Hazardous Materials and/or petroleum products requires that all appropriate State and Federal Regulations be complied with including, but not limited to, Material Safety Data Sheets (MSDS) on hand and use of necessary Personal Protective Clothing (PPE).
2. On-site disposal of Hazardous Materials or Waste including hydrocarbons is not authorized. On-site disposal will subject the contractor to at least the cost of reclamation and the appropriate disposal of contaminated soil.
3. Incidental (de minimus) leaks from fittings, gaskets or ruptured hoses will not subject the contractor to remedial requirements. They will be considered to be normal and unavoidable losses. Continual leaks will be noted on inspection reports and correction through maintenance required.
4. Maintenance and repair operations that require the draining of engines or hydraulic systems may be conducted on site only if the fluids are captured, containerized, and removed from public lands for proper disposal.

OFF ROAD TRAVEL - ACCESS

The contract area has only one access route on a two track road and the contractor shall use this existing route.

PROTECTION

The contractor is required to protect cadastral survey markers (brasscaps), bench marks, project markers, and other markers and stakes from damage or removal. In case of destruction or removal by the contractor, they will be replaced by the government and the actual cost of replacement deducted from payments due the contractor.

REMEASUREMENT

Re-measurement of the acreage under a task order will be made upon written request by the Contractor. The written request must be made within 10 calendar days after completion of the work. If measurement indicates a difference of not more than 5 percent from the original measurement, the contractor shall pay the actual cost of the re-measurement. Payments will be based on the second measurement where the difference between measurements is more than 5 percent. Where the difference is less than 5 percent the results of the first measurement will be used.

SPARK ARRESTERS

It is prohibited to operate or use any internal or external combustion engine, on any timber, brush, or grass covered land, including trails traversing such land, without a spark arrester maintained in effective working order and meeting guidelines set forth in National Wildfire Coordinating Group Publication NFES 1363 and 2363.

STATUS REPORT

Provided an onsite visit has not occurred during the period, the contractor is required to report status of work when any special situations or problems are encountered or once a week (which ever is less). These reports may be made by telephone to the COR.

In the event of extreme weather, the Contracting Officer will determine the best course of action based on comments from both the Contractor and COR.

WEED CONTROL

Prior to moving onto public lands, including the contract area, the contractor is required to remove all dirt and debris that could contain weed seeds by scraping off visible dirt and debris then thoroughly washing all earth moving equipment with a suitable power washer. Earth moving equipment shall include, but not be limited to the tow tractor and the Lawson Aerator. Earth moving equipment shall not include personal transportation (pickups) or tractors towing equipment trailers.

1. Prior to moving onto the site, cleaning and washing shall not occur on any BLM public lands. We suggest a public car wash.
2. If earth moving equipment is moved from the contract area it shall be cleaned gain prior to reentering the contract area.
3. To avoid having to return equipment back to some off site location to be cleaned, the contractor may choose to have the equipment inspected for compliance with this section at an off site location by the COR provided that location is within a reasonable (one hour - one way) travel time of Walden, CO.

BIOMASS REMOVAL

Pursuant to 48CFR1437 (as amended in the Federal Register / Vol. 69, No. 166 / Friday, August 27, 2004) biomass resulting from this contract may be purchased from the BLM.

1. The contractor may remove and utilize woody biomass if:
 - (a) Project work is progressing as scheduled; and
 - (b) Removal is completed before contract expiration
2. To execute this option, the contractor must submit a written request to the Government.
3. Following receipt of the written request, and if appropriate, the Government and the contractor will negotiate and execute a separate timber/vegetative sales contract. Payment under this sales contract must be at a price equal to or greater than the appraised value before the removal of any woody biomass. The contractor must make any appropriate payment specified in this timber/vegetative sales contract.
4. The contractor must treat any woody biomass not removed in accordance with the specifications in the service contract.
5. The sales contract and service contract are severable; default or termination under either does not remove the contractor from payment or performance obligations under the other contract.

